

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

CHAPTER 11

MIDNIGHT MADNESS DISTILLING  
LLC

CASE NO. 21-11750 (MDC)

**ORDER (A) AUTHORIZING INTERIM USE OF CASH COLLATERAL AND  
GRANTING ADEQUATE PROTECTION;  
(B) SCHEDULING FINAL HEARING AND PRESCRIBING FORM AND  
MANNER OF NOTICE; AND (C) GRANTING RELATED RELIEF**

AND NOW, this \_\_\_\_ day of June, 2021, upon consideration of the Debtor's Emergency Motion for use of its Cash Collateral pursuant to 11 U.S.C. § 363 (the "Motion"), and a hearing having been held, and upon consent of the secured creditor, it is hereby

ORDERED that the Debtor<sup>1</sup> is authorized to use Cash Collateral to pay its expenses from the Petition Date through September 19, 2021, and including but not limited to (a) maintaining and preserving its assets; (b) continuing to operate its business, including paying employee wages, reimbursements, benefits, payroll taxes, and insurance costs; and (c) purchasing inventory in accordance with the Budget as approved by the Court; and it is

ORDERED, that the Debtor shall make the adequate protection payments to PNC in the amounts specified in the Budget; and it is further

ORDERED that PNC is granted a replacement, perfected security interest in the Cash Collateral, to the extent that the Cash Collateral is used by the Debtor, in the same amount and with the same priority as PNC had in the Debtor's pre-petition Collateral, but only to the extent that the Debtor diminishes such Cash Collateral (the "Replacement Lien"); and it is further

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

ORDERED that the Replacement Lien and security interest held by PNC in the Cash Collateral is deemed perfected automatically upon entry of this Order, without the necessity of PNC taking possession, filing financing statements, mortgages, or other documents, and this Order constitutes the authorization of the Debtor to PNC to file any and all UCC financing or statements, or other instruments or documents considered by PNC to be necessary in order to perfect the security interests and liens in the Debtor's post-petition collateral and proceeds granted by this Order, which actions shall not be deemed a violation of the automatic stay; and it is further

ORDERED that, PNC shall be deemed adequately protected by the Adequate Protection Payments and the Replacement Liens; and it is further

ORDERED that, in the event the Debtor defaults or violates this Order, PNC is entitled to request a hearing within ten (10) days (or if immediate and irreparable injury, loss or damage may occur, an emergency hearing within 48 hours); and it is further

ORDERED that, a further hearing to consider the Motion is scheduled for \_\_\_\_\_, 2021 at \_\_\_\_\_.m. in Courtroom No. 2, United States Bankruptcy Court for the Eastern District of Pennsylvania, US Courthouse, 900 Market Street, Philadelphia PA 19107, and any objections to the Debtor's Motion must be filed with the Clerk of the Bankruptcy Court, and served upon counsel for the Debtor, Harry J. Giacometti on or before \_\_\_\_\_, 2021; and it is further

ORDERED that, a copy of this Order shall be served by the Debtor, or its counsel, by regular mail on the United States Trustee, the Debtor's secured creditors, all persons requesting notices herein, and the Debtor's twenty (20) largest unsecured creditors as identified in its bankruptcy petition, within five (5) days of receipt of a copy of this Order; and it is further

ORDERED that if notice is given in the manner provided above, said notice shall be sufficient and proper and in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

BY THE COURT:

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Magdeline D. Coleman  
Chief United States Bankruptcy Judge